

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,)	
)	
Plaintiff,)	
)	
v.)	2:04cv1684
)	Electronic Filing
)	
NEAL MECHLING, CAPT. GREG)	Judge Cercone
MOHRING, OFF. RANDY MINNICK,)	Magistrate Judge Caiazza
OFF. JOHN KNUPSKY, OFF. RICHARD)	
WYZA, OFF. ALAN LYNCH, DR.)	
GINCHEREAU, M.D., DR. JEFFREY A.)	
BEARD, Ph.D., and WILLIAM S.)	
STICKMAN,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on November 4, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 23, 2006, recommended that the Motion to Dismiss filed by Eugene Ginchereau, MD. (Doc. 20) be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Cresson, Cresson, Pennsylvania, where he is incarcerated and on the Defendant. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of March, 2006,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Eugene Ginchereau, MD. (Document No. 20) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Document No. 29) dated February 23, 2006, is adopted as the opinion of the court.



David Stewart Cerccone
United States District Judge

cc: Honorable Francis X. Caiazza
United States Magistrate Judge

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